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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROY SYKES, JOSEPH ZUSMAN,
SIKUN LAN, KENT FRAZIER, TYLER YOUNG,
YONG HUANG, and STANISLAV SOLARI

Appeal 2008-004756
Application 10/825,502
Technology Center 2100

Decided:[1] June 11, 2009

Before JAMES D. THOMAS, LEE E. BARRETT, and THU A. DANG, *Administrative Patent Judges*.

THOMAS, *Administrative Patent Judge.*

DECISION ON APPEAL

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[1] The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, begins to run from the decided date shown on this page of the decision. The time period does not run from the Mail Date (paper delivery) or Notification Date (electronic delivery).

STATEMENT OF THE CASE

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1 through 15. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

Invention

> A method for updating web pages on a web server without republishing the web pages involves providing on a production database server a live version of one or more business data tables containing information used to populate web pages on a production web server and storing in a quality assurance database server a quality assurance version of the business data tables that can be used to populate pages on a quality assurance web server. A maker at a business workstation can access the quality assurance database server from time to time and enter a change to data on the quality assurance version of the business data tables. Thereafter a checker at a business workstation accesses the quality assurance database server to review and approve or reject the changes to the data on the quality assurance version of the business data tables, and if the checker approves the changes, the changes to the data on the quality assurance version of the business data tables are replicated from the quality assurance database server to the live version of the business data tables on the production database server.

(Spec. 34, Abstract; *see also* Figures 1 and 2).

Representative Claim

1. A computer-implemented method for updating web pages on a web server without republishing the web pages, comprising:

providing on a production database server a live version of at least one business data table containing information used to populate web pages on a production web server;

storing in a quality assurance database server a quality assurance version of the at least one business data table used to populate pages on a quality assurance web server;

allowing a maker at a business workstation to access the quality assurance database server and enter a change to data on the quality assurance version of the at least one business data table;

allowing a checker at the business workstation to access the quality assurance database server to review and approve or reject the change to the data on the quality assurance version of the at least one business data table; and

if the checker approves the change, replicating the change to the data on the quality assurance version of the at least one business data table from the quality assurance database server to the live version of the at least one business data table on the production database server.

Prior Art and Examiner's Rejections

The Examiner relies on the following references as evidence of anticipation and unpatentability:

Skok	2002/0091725 A1	Jul. 11, 2002
Sutherland	2002/0120757 A1	Aug. 29, 2002
Ries	2003/0023632 A1	Jan. 30, 2003
Cochran	2004/0030697 A1	Feb. 12, 2004

Claims 1 through 3, 7, 9, 12, 14, and 15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Skok. All other claims on appeal stand rejected under 35 U.S.C. § 103. As to claims 4 through 6, and 10, the Examiner relies upon Skok in view of Ries; as to claims 8 and 13, the Examiner relies upon Skok in view of Sutherland; and as to claim 11, the Examiner relies upon Skok in view of Cochran.[2]

Claim Groupings

Based upon Appellants' arguments at pages 6 through 8 of the principal Brief on appeal, we consider independent claim 1 as representative of the subject matter of independent claims 1 and 15 on appeal. No separate arguments are presented before us as to any claim depending from these independent claims within the rejection under 35 U.S.C. § 102(b). We will address separately the positions set forth with respect to the three stated rejections under 35 U.S.C. § 103 later in this Opinion.

ISSUE

On the basis of the positions before us presented in the Brief, Answer, and Reply Brief, have Appellants shown that the Examiner erred in finding that Skok teaches the feature recited at the end of representative independent claim 1 on appeal of "replicating the change"?

[2] As noted at page 7 of the Answer, the Examiner has withdrawn an outstanding rejection of claims 1 through 15 under 35 U.S.C. § 101.

FINDINGS OF FACT

1. Appellants admit that the prior art approaches to updating web pages of a web server include the following:

> Typically, web publications are accomplished by taking HTML files and their graphics, etc. and moving them from a development Web server to quality assurance Web server to a production Web server. That is also the usual way in which most websites are updated. . . .
>
> . . . Thus, there is a present need for a method and system for updating web pages on a website frequently without moving files into the web server.

(Spec. 1, ll. 10-13, 26-28).

2. To properly appreciate the nature of the disclosed invention and the concept of updating "without republishing the web pages" as recited in the preamble of independent claim on appeal, we reproduce the following:

> Embodiments of the invention enable web pages on a web server to be updated without republishing the web pages, which involves, for example, providing on a production database server a live version of one or more business data tables containing information used to populate web pages on a production web server accessible via a browser on a customer workstation.

(Spec. 3, ll. 4-8).

> It is to be noted that makers and checkers can user the same or a different business workstation and that multiple business workstations can be located anywhere throughout the world.

(*Id.* at 3, l. 30 to 4, l. 2).

> As a result, an embodiment of the invention provides the capability to change the ORACLE database and then automatically have those

> changes appear on the website without having to move any files around.

(*Id.* at 5, ll. 7-10).

> The data management capability of the present invention enables database table editing in a way that is analogous to document editing by a word processor, such as MICROSOFT Word, and is a powerful database editor that will edit any type of SQL database table on an ORACLE system.

(*Id.* at 7, ll. 9-13).

3. With respect to what the Appellants and the prior art regard as replication, we reproduce the following from Appellants' disclosed Specification:

> In embodiments of the invention, the data is actually replicated to two or more different databases in keeping with continuity of business requirements to have two or more ORACLE production databases. The movement of data between the QA database and the production database is done with database replication techniques supported, for example, by ORACLE. The replication strategy for embodiments of the invention is much less problematic than moving around numerous files according to existing art processes. A key feature of embodiments of the invention is the capability to have data and a database that can be edited in such a manner that it is not immediately applied but goes through the maker/checker work flow process. The present invention employs a work flow process in which the maker makes the change and the checker then must approve the change, which was not previously available in any commercially available software. The data management tool of the WDIU utility for embodiments of the invention allows a user, for example, to look at a table, add rows to the table, add columns to the table, change individual data items within the table, delete rows from the table, and/or delete columns from the table.

> Essentially, a user can edit and change the whole structure of an SQL database table as part of the data management activity according to embodiments of the invention, a capability which likewise was not previously available. The data management capability of the present invention enables database table editing in a way that is analogous to document editing by a word processor, such as MICROSOFT Word, and is a powerful database editor that will edit any type of SQL database table on an ORACLE system.

(Spec. 6, l. 22 to 7, l. 13).

> Security aspects of the WDIU system for embodiments of the invention include, for example, providing secure transmission and storage of data and controlled access to the databases. Secure transmission between customers and the production web servers 12 and between business users and the development/QA web servers 18 is provided using Secure Sockets Layer (SSL), and secure transmission between web servers 12, 18 and the database servers 14, 16 is provided using secure JDBC. In addition, the QA database server 16 and development/QA web servers 18 are behind a firewall. Changes to the production version of the business data table are replicated from the QA database server 16 to the production database servers 14 using secure DB replication. Further, access to the QA database 16 by business users is controlled by user IDs and passwords, and business users can change their password via the web browser of the business user's workstation 20.

(*Id.* at 21, ll. 11-22).

> Each production database server 14 has a database link to the QA database server 16. This link is used for publishing business data table changes from QA to production and for snapshots between these two servers. Each production database server 14 contains two table snapshots for tables PUBLISH_SCHED and USER_INFO in the QA database server 16. The PUBLISH_SCHED snapshot replicates the entire table data every minute. Any new rows in the table or any updated rows that have JOBSTATUS column value being "Completed" trigger a change request publishing stored procedure in

> the production database server 14 to perform table data copy functions for relevant tables or rows from the QA database server 16 to the production database server 14. The USER_INFO snapshot replicates the rows with column ROLE equaling 'System Administrator'. With this snapshot, system error can be reported to system administrators by e-mail.

(*Id.* at 22, ll. 17-28).

4. With respect to the ability to edit web pages, Skok illustrates his technique in Figures 5 and 6. In Figure 5, the flow chart depicted there illustrates the use of a so-called thin client editor. Pertinent discussions include the following:

> The thin client editor is capable of rendering HTML and of editing HTML. In one embodiment, a user can graphically edit the rendered web page. The HTML code for the page is available and is updated as the web page is edited. Alternately, the user can edit the HTML code itself if desire, with changes appearing on the rendered web page in the editor.

(¶ [0064], ll. 7-13).

> Once a user is authorized to create or edit content, the user may invoke tools of the invention to create or edit content on the page. In one embodiment of the invention, the tool is a thin client HTML editor. The editor may be a thin client editor that is provided as a Java™ programming language applet, or it may reside on each user's computer. The HTML editor provides the ability to perform richly formatted text editing, such as italics, bold, centered, underline, tables, links, inserting graphics, etc. The invention shows the user content and editing as it occurs in a WYSIWYG mode, as well as automatically creating HTML tags that are associated with the rich formatting. The user can choose between editing in a WYSIWYG browser emulation display, or an HTML code level where HTML tags are directly editable.

> The editing of a web page is illustrated in the flow diagram of FIG. 6. At step 601 the user enters the edit mode. This brings an editing window with a copy of the web page of interest. (The user can move freely back and forth between the edit window and the browser window during editing mode). At step 602 the user edits the local copy of the web page. At step 603 the user attempts to publish the web page (in other words, to commit the changes to the web page server). At step 604 the edited document is placed in an approval queue. In the approval queue the argument "Approved?" is made at step 605. If the argument is true, the web server is updated with the changes at step 606. If the argument is false, the changes are not updated at the web server. At the user end, the user does not see the changes to the actual browser page until the user requests a refresh or update of the web page. If the user requests a refresh of an unapproved web page, the original web page will be presented.

(¶¶ [0065]-[0066]).

> Once editing or creation is completed, the web page is published. This is accomplished by updating the server containing the web page. Once the server is updated, browsers newly accessing the page, or refreshing their view of the page, are presented with the edited document.

(¶ [0073]).

> If a new document is added to the site, users will not be able to easily find that document unless there are navigation links added to the site. The invention allows links to be both dynamically added and updated on a site by using category information such as document title, author, and date which can be stored with each document.

(¶ [0074], ll. 1-6).

PRINCIPLES OF LAW

Anticipation

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Analysis of whether a claim is patentable over the prior art under 35 U.S.C. § 102 begins with a determination of the scope of the claim. We determine the scope of the claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction in light of the specification as it would be interpreted by one of ordinary skill in the art. *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004). The properly interpreted claim must then be compared with the prior art.

Obviousness

"What matters is the objective reach of the claim. If the claim extends to what is obvious, it is invalid under § 103." *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398, 419 (2007). To be nonobvious, an improvement must be "more than the predictable use of prior art elements according to their established functions." *Id.* at 417. Appellants have the burden on appeal to the Board to demonstrate error in the Examiner's position. *See In re Kahn*, 441 F.3d 977, 985-86 (Fed. Cir. 2006) ("On appeal to the Board, an applicant can overcome a rejection [under § 103] by showing insufficient evidence of *prima facie* obviousness or by rebutting the *prima facie* case with evidence of secondary indicia of nonobviousness.") (quoting *In re Rouffet*, 149 F.3d 1350, 1355 (Fed. Cir. 1998)). Therefore,

we look to Appellants' Briefs to show error in the proffered prima facie case.

ANALYSIS

At the outset, we note that Appellants' contribution in the art appears to avoid the prior art approach of moving entire files to a web server that prior art approaches appear to consider to be republishing the web pages. (FF 1-2). Moreover, Appellants' approach is to be able to edit a database with respect to the associated web page in a manner consistent with that of the prior art word processor approach. (FF 2). This would appear to permit merely making changes to the web page itself rather than downloading entire web pages and the files associated with them.

With respect to the subject matter of representative independent claim 1 on appeal, the Examiner sets forth his view of the correlated teachings of Skok to this claim at pages 3 and 4 of the Answer. In response to the Appellants' four bullet-point-type arguments at pages 6 through 8 of the principal Brief on appeal, the Examiner makes counter arguments beginning at page 7 of the Answer by repeating in its entirety each respective bullet-point-type argument and responding thereto. Significantly, the Reply Brief does not contest the first three of these correlations buttressed in the responsive arguments portion of the Answer but only takes issue with the fourth one of them at page 4 of the Reply Brief.

As we have characterized the issue earlier in this Opinion, representative independent claim 1 focuses its inventive property and the argued feature upon the "replicating the change" feature at the end of this claim which is the focus of the argument at page 4 of the Reply Brief. In

response to the Examiner's apparent view that replicating a change means copying and republishing, Appellants make reference to the Specification as we reproduced it in Finding of Fact 3, a view that asserts the art recognizes differently than what the Examiner asserts the feature of replicating is to mean.

Initially, we do not understand that the Examiner's view has anything to do with republishing and certainly Skok makes no mention of republishing per se. As our reproduced portions of Skok indicate in Finding of Fact 4, there is no republishing per se taught in this reference but merely publishing. In the context of Skok, the Examiner's view is appropriate to include the concept of copying and publishing. Of importance here is that Skok essentially teaches that copying and publishing mean editing, updating, copying, and in Skok's terms, publishing, only the changes to be desired on a given web page. Editing, and therefore, publishing, in Skok is consistent with mimicking editing within prior art word processors at the end of Finding of Fact 2 relied on in the disclosed invention. These changes in Skok also include the capability of adding material to a copy of the web page that was not there before within the concept of editing. The approaches taken in Skok therefore appear to be consistent with the copying capabilities as disclosed and as reproduced in Finding of Fact 3 within Appellants' own Specification, which may be read to include the ability to copy only the changes. Moreover, to the extent Appellants argue that the term replication has a well-known understanding in the art, it constitutes an admission that this capability was also known in the art.

Therefore, the evidence and arguments of the Examiner of the feature of replication support the Examiner's conclusion of anticipation of the

subject matter of independents claims 1 and 15 on appeal, to the extent otherwise argued before us.

Turning to the rejections of various dependent claims in three separately stated rejections under 35 U.S.C. § 103 (beginning at page 8 of the principal Brief on appeal), Appellants make only general arguments of patentability including merely reproducing the key features of each of the respectively rejected claims. Appellants do not contest the combinability of Skok with the respective references to Reis, Sutherland, and Cochran, and do not directly contest what the Examiner alleges is taught in each of these respective references. The Reply Brief also does not contest the Examiner's additional correlations in the responsive arguments portion of the Answer, beginning at page 12, as to these rejections.

CONCLUSIONS OF LAW

Appellants have not shown that the Examiner erred in finding that Skok teaches the feature of "replicating the change" at the end of representative independent claim 1 on appeal. Appellants also have not shown that the Examiner erred in concluding that the combination of Skok and each of the respective references utilized for the three rejections under 35 U.S.C. §103 would have rendered obvious the respectively rejected dependent claims.

DECISION

The Examiner's rejection of claims 1 through 3, 7, 9, 12, 14, and 15 as being anticipated by Skok under 35 U.S.C. § 102(b) is affirmed. Likewise, the Examiner's three separately stated rejections of claims 4 through 6, 8,

10, 11, and 13 under 35 U.S.C. § 103(a) are affirmed. All claims on appeal are unpatentable.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

msc

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